

9/27/93

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF)
)
 HUTCH'S ENTERPRISES, INC.,) Docket No. TSCA-III-604
)
 Respondent)

ORDER GRANTING MOTION FOR DEFAULT

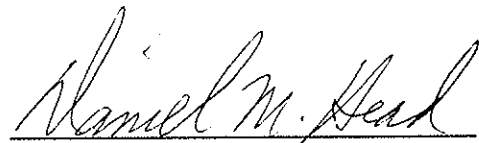
On January 4, 1993, Complainant filed a motion pursuant to Section 22.17(a) of the EPA Rules of Practice (Rules), 40 C.F.R. §22.17(a), seeking the entry of a Default Order against the Respondent for failure to file the prehearing exchange as required by the November 13, 1991 Order Setting Prehearing Procedures. No answer to the Motion to Default was filed by the Respondent. The prehearing exchange was to be filed on January 16, 1992 but was first extended to December 18, 1992, and subsequently to March 12, 1992. Complainant duly filed its prehearing exchange within the extended time period.

Moreover, on March 5, 1993, the Respondent was ordered to show cause on or before April 8, 1993, as to why it did not submit the prehearing exchange information as required by the Order Setting Prehearing Procedures and as to why the Complainant's Motion for Default should not be granted. No response to this Order to Show Cause was submitted by the Respondent.

In light of the above, there are clearly grounds for default being entered against the Respondent and for entry of the proposed Default Order submitted by the Complainant as an

attachment to the Motion for Default. Accordingly, the Complainant's Motion for Default is granted. Under Section 22.17(b) of the Rules, the Default Order being entered herein constitutes the Initial Decision in this proceeding.¹ Therefore, pursuant to Section 22.27(a) of the Rules, the Default Order is being sent under separate cover to the Regional Hearing Clerk for service on the parties. *

SO ORDERED.


Daniel M. Head
Administrative Law Judge

Dated: September 27, 1993
Washington, DC

¹ In light of the Default Order, the Complainant's Motion for Accelerated Decision is moot and no ruling with regard thereto is necessary.

IN THE MATTER OF HUTCH'S ENTERPRISES, INC., Respondent
Docket No. TSCA-III-604

CERTIFICATE OF SERVICE

I certify that the foregoing Order Granting Motion for Default, dated September 27, 1993, was sent in the following manner to the addressees listed below:

Original by Regular Mail to:

Lydia A. Guy
Regional Hearing Clerk
U.S. Environmental Protection
Agency, Region III
841 Chestnut Building
Philadelphia, PA 19107


Copy by Certified Mail-Return
Receipt Requested to:

Counsel for Complainant:

Matthew C. Frank, Esquire
Office of Regional Counsel
U.S. Environmental Protection
Agency, Region III
841 Chestnut Building
Philadelphia, PA 19107

Counsel for Respondent:

Stanley E. Pecora, Jr., Esquire
Pecora, Duke and Babcox
P.O. Box 548
Bradford, PA 16701-0548


Aurora M. Jennings
Legal Staff Assistant
Office of the Administrative
Law Judges

Dated: September 27, 1993
Washington, DC